

the credit system allows underwriters to grant credit to that individual without bias.

S. 256 is carefully crafted so we don't reintroduce possible bias into this system. It would be unacceptable to undo the system which has opened doors of opportunity to millions of Americans who in the past who had experienced bias in the lending process.

Under Senator DURBIN's amendment, military personnel filing for bankruptcy would be exempt from the means test and would automatically qualify for a Chapter 7 filing, regardless of whether that person has the ability to repay part of his or her debt.

If this amendment were to pass, potential creditors would have a legitimate concern that loans to military personnel could require different underwriting standards. This could well mean higher interest rates for our soldiers and veterans. Even more disturbing, this would introduce bias into the system against soldiers and veterans—a perverse result and clearly not what this amendment envisions.

The Senator from Illinois raises a concern that none of us should turn our backs on: and that is whether our servicemen and women are fairly compensated, and whether they have the resources they need, particularly during deployment, to take care of their families. I call on the Congress to look carefully at this issue, and to make sure we are doing right by our military personnel and veterans.

But I urge you not to remedy any possible injustices through the bankruptcy courts.

Bankruptcy represents a long-standing commitment in this country to helping people get a fresh start. This principle has never been giving only certain people a fresh start: for example, only if you are a teacher, or a doctor or a soldier. If we started down that road, I'm not sure what would happen to most members of Congress, who tend to be lawyers.

The point is, this safety net should be available when a person truly cannot make good on his or her commitments, no matter who he or she is or what she does for a living.

No matter how noble the individual, no matter how compelling the story behind the economic need, the bankruptcy system must treat people equally and fairly.

This bill establishes a simple means test, which will affect approximately 10 percent of current filers. All it says is, after we've backed out all your current expenses, including your your house payment, your car payment, your child care costs, your education costs, your utility costs, your medical costs, and a whole host of other items, if after backing out all these payments you have the ability to pay back some of your loans, then you should. That's only right. That's only fair. And it

shouldn't matter what your profession is.

Americans are an honorable people, and we work hard and play by the rules. If you can pay your debts, you should.

I am also troubled about the message this amendment sends about chapter 13 filings.

The implication is, do anything you can to avoid a repayment plan. The fact is, under the mechanism set forth in this bill, we have an unprecedented opportunity to help debtors rehabilitate their credit rating faster under a chapter 13 proceeding.

I will be working to encourage bankruptcy trustees to report on-time payments under a chapter 13 payment plan to the three major credit bureaus, so that debtors who get back on track will, quite literally, get credit for that discipline.

I also pledge to work with the creditor community to help them understand how these new payment reports might help them evaluate a chapter 13 debtor.

An amendment that automatically steers debtors to chapter 7 is misguided and would give no thought to the potential benefits of a chapter 13 filing.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DEMINT. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE PETITION—S.J. RES. 4

Mr. CONRAD. Mr. President, today pursuant to 5 U.S.C. 802(c), I have submitted a petition to discharge the Senate Committee on Agriculture, Nutrition, and Forestry from consideration of S.J. Res. 4, a joint resolution providing for congressional disapproval of the rule relating to risk zones for introduction of bovine spongiform encephalopathy, submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, the Congressional Review Act.

DISCHARGE PETITION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Agriculture, Nutrition, and Forestry be discharged from further consider-

ation of S.J. Res. 4, a resolution providing for congressional disapproval of the rule submitted by the Department of Agriculture relating to risk zones for the introduction of bovine spongiform encephalopathy, and further, that the resolution be placed upon the Legislative Calendar under General Orders.

Kent Conrad, Craig Thomas, Byron Dorgan, Ken Salazar, Harry Reid, Max Baucus, Jay Rockefeller, John Kerry, Conrad Burns, Tim Johnson, Dianne Feinstein, Jeff Bingaman, Barbara Boxer, Dick Durbin, Ron Wyden, Barack Obama, Chuck Schumer, Paul Sarbanes, Carl Levin, Hillary Clinton, Ted Kennedy, Jack Reed, Patrick Leahy, Tom Harkin, Mark Dayton, Russell Feingold, Barbara Mikulski, James Jeffords, Herb Kohl, Jon Corzine, Chris Dodd, E. Benjamin Nelson, Mary L. Landrieu.

HONORING OUR ARMED FORCES

SPECIALIST DAKOTAH L. GOODING

Mr. GRASSLEY. Mr. President, I speak today in remembrance of an Iowa soldier who has fallen in service to his country. Specialist Dakotah L. Gooding, a member of the C Troop, 5th Squadron, 7th Cavalry Regiment, 3rd Infantry Division, died on the 13th of February in Balad, Iraq when his vehicle overturned into a canal. He was 21 years old.

SPC Gooding grew up in Keokuk, IA and eventually moved to the Des Moines area. He attended the Scavo Alternative School and Lincoln High School. In the fall of 2000, at the age of 17, Dakotah fulfilled a life-long dream of joining the U.S. Army, following in the footsteps of many family members. He had served in the United States and Korea before going to Iraq. SPC Gooding came to Iraq as part of an Army Special Security Force that helped with voter protection in the recent historic democratic elections.

A cousin mentioned that SPC Gooding knew he had a mission to protect those around the world and those at home. SPC Gooding's mission was a noble one, and he carried it out with the courage and dignity that are so characteristic of our American soldiers. For his dedication and sacrifice, Dakotah deserves our respect and admiration. For family and friends who have felt this loss most deeply, I offer my sincere sympathy. My prayers go out to his wife, Angela, his mother, Judith, his two sisters, and his many other family and friends.

May we always remember with pride and appreciation Specialist Dakotah L. Gooding and all those Americans who have gone before him in service to their country.

FOREIGN OPERATIONS APPROPRIATIONS

WORLD COMPASSION

Mr. INHOFE. Mr. President, I know my friend from Kentucky played the key role in conference negotiations on

H.R. 4818, the FY 2005 foreign operations appropriations bill, which were completed last year, and I ask if he is aware of language that was contained in the House report regarding World Compassion's activities in Afghanistan.

Mr. MCCONNELL. My staff informs me that the House report encouraged the State Department to review a proposal from this organization.

Mr. INHOFE. My colleagues should know that as a supporter of this group, I continue to encourage the State Department to consider a proposal from World Compassion. This organization's "Shelter, Support, and Skills Training for Afghan Refugee and Displaced Widows and Orphans" Program is an integrated plan that addresses the special needs of widows and their children, many of whom are refugees and internally displaced persons. The program provides shelter, access to clean water, psychosocial support and skills training to enable widows to gain the personal dignity of self-sufficiency.

I would also point out that village leaders have agreed to cooperate with World Compassion on this project. World Compassion has a long, successful track record of working with Afghans in other programs to provide for their basic needs, and it is my hope that the State Department will help them continue to do so.

Mr. MCCONNELL. I appreciate my friend taking the time to highlight the activities of World Compassion and hope that the State Department acts on the recommendations from the House report.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On Monday, February 28, 2005, two men were severely beaten outside of their hotel room in New Mexico. According to police reports, they were targeted because of their sexual orientation. The two men, who were in an openly gay relationship, were followed back to the hotel by a group of people who were yelling antigay comments at the victims. The assailants then assaulted the two men and fled the scene. The incident is being investigated as a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can

become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, I am pleased to join Senator FEINSTEIN as a cosponsor of her legislation to reauthorize the assault weapons ban. I voted for the original 1994 assault weapons ban and for the amendment to reauthorize the ban in the 108th Congress.

When the 1994 assault weapons ban expired on September 13, 2004, criminals and terrorists gained potential easy access to 19 of the highest powered and most lethal firearms produced. In addition to banning 19 specific weapons, the assault weapons ban also prohibited the sale of semiautomatic weapons that incorporated a detachable magazine and two or more specific military features. These features included folding/telescoping stocks, protruding pistol grips, bayonet mounts, threaded muzzles or flash suppressors, barrel shrouds, or grenade launchers. Common sense tells us that there is no reason for civilians to have easy access to guns with these military style features.

During the 108th Congress, I joined with the majority of my Senate colleagues in adopting an amendment to reauthorize the assault weapons ban for another 10 years. However, the bill to which it was attached was later derailed. Despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, bipartisan support in the Senate, and the pleas of Americans who have already lost loved ones to assault weapons tragedies, the ban was allowed to expire, as the President and the Republican Congressional leadership were unwilling to act.

Despite the National Rifle Association's assertions that the ban is ineffective, unnecessary, and that guns labeled as assault weapons are rarely used in violent crimes, the need for the assault weapons ban is clear. Just last week, AK-47 assault rifles, like the ones included in the original assault weapons ban, were reportedly used in two separate shootings in Texas and California that left four people dead and four others seriously injured, three of whom were police officers. In Tyler, TX, a gunman armed with an AK-47, wearing a military flak jacket and a bulletproof vest, opened fire outside a courthouse, killing his ex-wife and wounding his son. In the ensuing shootout with police, the gunman was reportedly able to fire as many as 50 rounds at police and innocent bystanders before fleeing in his truck. He was finally shot in another gun battle with police a few miles away. The same day in Los Angeles, a man reportedly

armed with an AK-47 walked into his workplace and shot two of his coworkers to death following a dispute. He later turned himself in at a Los Angeles police station.

Unfortunately, assault weapons such as the ones reportedly used in these two shootings as well as many other similar assault weapons are once again being legally produced and sold as a result of the expiration of the assault weapons ban. I again urge my colleagues to act to help prevent tragedies like these by enacting a common sense ban on assault weapons.

SENATOR HIRAM R. REVELS

Mr. OBAMA. Mr. President, I rise to recognize an important anniversary in the history of this Nation.

One hundred and thirty-five years ago on this day, Hiram R. Revels was sworn in as a U.S. Senator from Mississippi. On that day, February 25, 1870, Senator Revels became the first African American to ever serve in the U.S. Congress.

But Hiram Revel's story started in a place very far from Washington, DC. He was born to free parents in 1822 and grew up as an apprentice to a barber in North Carolina. But Hiram wanted to learn more and see more, and so he left for Indiana and then Ohio, where he furthered his education. He was soon ordained a minister by the African Methodist Church, and traveled to congregations all over the Midwest and the South until he finally ended up in Baltimore.

At the beginning of the Civil War, he helped recruit African-American troops for the Union, and he ended up serving as a chaplain for a Mississippi regiment of free Blacks. He stayed in Mississippi after the war, and continued serving as a pastor at various local churches. In 1868, and he ran and was elected alderman. Respected by both Whites and African-Americans, he was soon elected as a Mississippi State senator. Then, in 1870, just 5 years after the end of the very war fought for his freedom, Hiram Revels was elected the first African-American U.S. Senator in history.

Like so many of our own, Hiram's story is America's story. The story of the seemingly impossible occurring in a land where good people will give everything to make it possible. The story of hope winning out against all odds. The story of one man's improbable achievement paving the way for so many others.

Did Hiram ever know what he was destined for in that barber shop? When he was sweeping that floor in North Carolina and so many of his brothers and sisters were enslaved, did he ever dream that he would end up a U.S. Senator?

We don't know. But we do know that he did dream of bigger things.